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109TH CONGRESS  
1ST SESSION

# H. R. 3100

[Report No. 109–165]

To authorize measures to deter arms transfers by foreign countries to the  
People's Republic of China.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

Mr. HYDE (for himself, Mr. LANTOS, Mr. HUNTER, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. MCCAUL of Texas, Ms. HARRIS, Mr. WELLER, Mr. BOOZMAN, and Mr. ISSA) introduced the following bill; which was referred to the Committee on International Relations

JULY 12, 2005

Additional sponsor: Mr. POE

JULY 12, 2005

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

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## A BILL

To authorize measures to deter arms transfers by foreign  
countries to the People's Republic of China.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “East Asia Security  
3 Act of 2005”.

4 **SEC. 2. STATEMENTS OF POLICY.**

5       Congress—

6           (1) previously expressed its strong concerns in  
7       House Resolution 57 of February 2, 2005, and Sen-  
8       ate Resolution 91 of March 17, 2005, with the  
9       transfer of armaments and related technology to the  
10      People’s Republic of China by member states of the  
11      European Union, which increased eightfold from  
12      2001 to 2003, and with plans to terminate in the  
13      near future the arms embargo they imposed in 1989  
14      following the Tiananmen Square massacre;

15          (2) welcomes deferral of a decision by the Euro-  
16      pean Council to terminate its arms embargo fol-  
17      lowing adoption of those Resolutions, the President’s  
18      visit to Europe, and growing concern among coun-  
19      tries in the regions and the general public on both  
20      sides of the Atlantic;

21          (3) welcomes the decision by the European Par-  
22      liament on April 14, 2005, by a vote of 421 to 85,  
23      to oppose the lifting of the European Union’s arms  
24      embargo on the People’s Republic of China, and res-  
25      olutions issued by a number of elected parliamentary

1       bodies in Europe also opposing the lifting of the  
2       arms embargo;

3           (4) also welcomes the onset of a strategic dia-  
4       logue between the European Commission and the  
5       Government of the United States on the security sit-  
6       uation in East Asia, through which it is hoped a  
7       greater understanding will emerge of the con-  
8       sequences of European assistance to the military  
9       buildup of the People's Republic of China for peace  
10      and stability in that region, to the security interests  
11      of the United States and its friends and allies in the  
12      region, and, in particular, to the safety of United  
13      States Armed Forces whose presence in the region  
14      has been a decisive factor in ensuring peace and  
15      prosperity since the end of World War II;

16          (5) hopes that a more intensive dialogue with  
17      Europe on this matter will clarify for United States  
18      friends and allies in Europe how their "non-lethal"  
19      arms transfers improve the force projection of the  
20      People's Republic of China, are far from benign, and  
21      enhance the prospects for the threat or use of force  
22      in resolving the status of Taiwan, a troubling pros-  
23      pect made more ominous by recent adoption of a  
24      new law by the Chinese National People's Congress  
25      expressly authorizing the use of force;

1           (6) also hopes that this dialogue will result in  
2           an important new consensus between the United  
3           States and its European partners on the need for co-  
4           ordinated policies which encourage the development  
5           of democracy in the People's Republic of China and  
6           which discourage, not assist, China's unjustified  
7           military buildup and pursuit of weapons that threat-  
8           en its neighbors;

9           (7) however, deeply regrets that none of the  
10          European friends and allies of the United States  
11          who have been transferring arms to the People's Re-  
12          public of China has announced a cessation or even  
13          a temporary halt to those transfers while this new  
14          dialogue with the United States ensues, and notes  
15          with concern that such European friends and allies  
16          have provided little, if any, transparency to the  
17          United States Government into the full range and  
18          capabilities of all of the armaments and related tech-  
19          nology that they have transferred to date and con-  
20          tinue even now to do so;

21          (8) is further troubled by public reports describ-  
22          ing well known European companies as suppliers to  
23          weapons programs of the People's Republic of  
24          China, who are also participants in numerous sen-  
25          sitive United States Government weapons programs,

1 and the increased risks of diversion of United States  
2 weapons technology to China inherent in such an  
3 undesirable situation; and

4 (9) in view of the gravity of European arms  
5 sales to the People's Republic of China, which have  
6 not abated, believes it is necessary to make provision  
7 for greater scrutiny and oversight with respect to  
8 those areas of international armament cooperation  
9 that present increased levels of risk to the security  
10 interests of the United States and to authorize ap-  
11 propriate measures which the President may draw  
12 on in deterring foreign support for China's military  
13 buildup in order to safeguard the national security  
14 interests of the United States and peace and secu-  
15 rity in East Asia.

16 **SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO**  
17 **CHINA.**

18 (a) REPORT.—The President shall, at the times spec-  
19 ified in subsection (b), transmit to the appropriate con-  
20 gressional committees a report that identifies every person  
21 of a member country of the European Union, and any  
22 other foreign person the President may consider appro-  
23 priate, with respect to whom there is credible information  
24 indicating that the person, on or after January 1, 2005,  
25 exported to—

1           (1) the People’s Republic of China any item on  
2           the Wassenaar Munitions List of July 12, 1996, and  
3           subsequent revisions; or

4           (2) the military, intelligence, or other security  
5           forces of the People’s Republic of China—

6                   (A) any item on the Wassenaar List of  
7           Dual Use Goods and Technologies of July 12,  
8           1996, and subsequent revisions; or

9                   (B) any other dual use item if the item is  
10          intended, entirely or in part, for use with an  
11          item described in paragraph (1).

12          (b) TIMING OF REPORT.—The report required under  
13          subsection (a) shall be transmitted not later than 180 days  
14          after the date of the enactment of this Act and not later  
15          than the end of each 12-month period thereafter.

16          (c) EXCEPTIONS.—A foreign person is not required  
17          to be identified in a report required under subsection (a)  
18          if the person—

19                   (1) was identified in a previous report trans-  
20          mitted under subsection (a) on account of a par-  
21          ticular export, except to the extent that the export  
22          may have continued, involved additional transfers, or  
23          was larger, more significant, or different in nature  
24          than described in the previous report;

1           (2) was engaged solely in an export on behalf  
2           of, or in concert with, the Government of the United  
3           States; or

4           (3) was engaged in an export which, as deter-  
5           mined by the President, would be exempt from the  
6           restrictions of section 902(a) of the Foreign Rela-  
7           tions Authorization Act, Fiscal Years 1990 and  
8           1991 (Public Law 101-246; 22 U.S.C. 2151 note),  
9           if the export were subject to the jurisdiction of the  
10          United States, by reason of the issuance of a report  
11          under section 902(b) of such Act.

12          (d) FORM.—If the President considers it appropriate,  
13          reports transmitted under subsection (a), or appropriate  
14          parts thereof, may be transmitted in classified form.

15   **SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF**  
16                   **COUNTRIES PARTICIPATING IN UNITED**  
17                   **STATES DEFENSE COOPERATIVE PROJECTS;**  
18                   **CERTAIN LICENSE REQUIREMENTS.**

19          (a) STATEMENT OF POLICY.—Congress is concerned  
20          with the significant additional risk of unlawful use and  
21          diversion of sensitive United States weapons system re-  
22          search, design, and development arising from cooperative  
23          research and development projects with foreign govern-  
24          ments and foreign persons who may also transfer arms  
25          and related technology to the People's Republic of China.

1 (b) REPORT.—The President shall, at the times spec-  
2 ified in subsection (c), transmit to the appropriate con-  
3 gressional committees a report that—

4 (1) identifies every foreign government with re-  
5 spect to which the United States is carrying out a  
6 cooperative project described in subsection (d) and  
7 whose policies or practices, on or after the date of  
8 the enactment of this Act, permit the export of any  
9 item described in paragraph (1), or subparagraph  
10 (A) or (B) of paragraph (2), of section 3(a); and

11 (2) describes the cooperative projects and poli-  
12 cies or practices referred to in paragraph (1) of  
13 every foreign government identified under such para-  
14 graph.

15 (c) TIMING OF REPORT.—The report required under  
16 subsection (b)—

17 (1) shall be transmitted not later than 180 days  
18 after the date of the enactment of this Act and not  
19 later than the end of each 12-month period there-  
20 after; and

21 (2) may be included in the report required  
22 under section 3, as the President determines appro-  
23 priate.

24 (d) COOPERATIVE PROJECTS.—The cooperative  
25 projects referred to in subsection (b) are projects carried



1 out under section 27 of the Arms Export Control Act (22  
2 U.S.C. 2767) or section 2350a, 2358, or a memorandum  
3 of understanding under section 2531 of title 10, United  
4 States Code.

5 (e) LICENSE REQUIREMENTS.—

6 (1) REQUIREMENT.—Notwithstanding any  
7 other provision of law, a license under section 38 of  
8 the Arms Export Control Act (22 U.S.C. 2778) shall  
9 be required for the export of defense articles or de-  
10 fense services by any person who is not an officer or  
11 employee of the Government of the United States in  
12 furtherance of a cooperative project described in  
13 subsection (d) with a country identified in a report  
14 transmitted under subsection (b).

15 (2) CONGRESSIONAL NOTIFICATION.—The  
16 issuance of a license pursuant to paragraph (1) shall  
17 be subject to the same requirements as are applica-  
18 ble to the export of items described in section 36(c)  
19 of the Arms Export Control Act (22 U.S.C. 2776(c))  
20 (without regard to the dollar amount requirements  
21 relating to contracts contained in such section), in-  
22 cluding the transmittal of information and the appli-  
23 cation of congressional review procedures in accord-  
24 ance with such section.

1 **SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF**  
2 **DEFENSE ARTICLES IN THE UNITED STATES.**

3 (a) STATEMENT OF POLICY.—Congress determines  
4 that special care should be taken by the United States  
5 with respect to foreign persons who sell arms and related  
6 technology to the People’s Republic of China, while simul-  
7 taneously seeking ownership of United States defense arti-  
8 cles or defense services, including the results of United  
9 States Government funded defense research and develop-  
10 ment, through the acquisition or control of United States  
11 defense firms, directly or through their subsidiaries and  
12 affiliates based in the United States.

13 (b) LICENSE REQUIREMENTS.—

14 (1) REQUIREMENT.—The President shall re-  
15 quire a license pursuant to regulations issued under  
16 section 38(g)(6) of the Arms Export Control Act (22  
17 U.S.C. 2778(g)(6)) for the transfer of ownership or  
18 control of United States defense articles or defense  
19 services arising from the acquisition or control of a  
20 person required to be registered under section  
21 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any  
22 subsidiary, division, affiliate or other entity thereof,  
23 whenever the person gaining acquisition or control  
24 is—

25 (A) a foreign national of the People’s Re-  
26 public of China or a foreign person otherwise

1 subject to the jurisdiction, ownership, or control  
2 of the People's Republic of China;

3 (B) a foreign person identified in a report  
4 transmitted under section 3 or having its prin-  
5 cipal place of business in a country described in  
6 a report transmitted under section 4; or

7 (C) a United States person owned or con-  
8 trolled by a foreign person, including a sub-  
9 sidiary or affiliate of a foreign person described  
10 in subparagraph (B).

11 (2) ADDITIONAL REQUIREMENT.—A license  
12 under section 38(g)(6) of the Arms Export Control  
13 Act for a person described in paragraph (1)(A) shall  
14 not be issued until 30 days after the date on which  
15 the President transmits a report that contains a de-  
16 termination of the President that—

17 (A) the Government of the People's Repub-  
18 lic of China meets the requirements of section  
19 902(b)(1) of the Foreign Relations Authoriza-  
20 tion Act, Fiscal Years 1990 and 1991 (Public  
21 Law 101–246; 22 U.S.C. 2151 note); or

22 (B) it is in the national interest of the  
23 United States to issue the license.

24 (c) CONGRESSIONAL NOTIFICATION.—The issuance  
25 of a license pursuant to subsection (b) shall be subject

1 to the same requirements as are applicable to the export  
2 of items described in section 36(c) of the Arms Export  
3 Control Act (22 U.S.C. 2776(c)) (without regard to the  
4 dollar amount requirements relating to contracts con-  
5 tained in such section), including the transmittal of infor-  
6 mation and the application of congressional review proce-  
7 dures in accordance with such section.

8 (d) EXCEPTION.—The issuance of a license pursuant  
9 to subsection (b) shall not be required in the case of an  
10 amendment to a munitions license or a change in registra-  
11 tion arising from a sale or transfer of ownership or control  
12 of United States defense articles or defense services to a  
13 person described in subparagraph (A), (B), or (C) of sub-  
14 section (b)(1) that was approved prior to the date of en-  
15 actment of this Act unless the President determines that  
16 it is in the national security interests of the United States  
17 to require the issuance of a new license pursuant to sub-  
18 section (b).

19 **SEC. 6. CHINESE MILITARY END USE OF DUAL USE EX-**  
20 **PORTS.**

21 (a) STATEMENT OF POLICY.—Congress welcomes the  
22 understanding reached at the Wassenaar Arrangement's  
23 December 2003 plenary meeting to require governmental  
24 authorization for the transfer of non-listed dual use items  
25 intended for military end use in a destination subject to

1 any relevant regional arms embargo or to any United Na-  
2 tions Security Council resolution.

3 (b) LICENSE REQUIREMENT.—

4 (1) REQUIREMENT.—The President shall re-  
5 quire a license under the Export Administration  
6 Regulations for the export of any item described in  
7 paragraph (1), or subparagraph (A) or (B) of para-  
8 graph (2), of section 3(a) that is not subject to a li-  
9 cense under section 38 of the Arms Export Control  
10 Act (22 U.S.C. 2778) if the item is intended for  
11 military end use by the People's Republic of China.

12 (2) SENSE OF CONGRESS.—It is the sense of  
13 Congress that the President should not approve a li-  
14 cense pursuant to paragraph (1) unless the Presi-  
15 dent determines that approval is important to  
16 counterterrorism, nonproliferation, or other national  
17 security interests of the United States.

18 (c) CONGRESSIONAL NOTIFICATION.—The issuance  
19 of a license pursuant to subsection (b) shall be subject  
20 to the same requirements as are applicable to the export  
21 of items described in section 36(c) of the Arms Export  
22 Control Act (22 U.S.C. 2776(c)) (without regard to the  
23 dollar amount requirements relating to contracts con-  
24 tained in such section), including the transmittal of infor-

1 mation and the application of congressional review proce-  
2 dures in accordance with such section.

3 (d) DEFINITION.—In this section, the term “military  
4 end use” means, with respect to an item, the item is or  
5 may be intended, entirely or in part, for use in conjunction  
6 with an item described on the Wassenaar Munitions List  
7 of July 12, 1996, and subsequent revisions.

8 **SEC. 7. APPLICATION OF MEASURES TO CERTAIN FOREIGN**  
9 **PERSONS.**

10 (a) APPLICATION OF MEASURES.—Subject to sec-  
11 tions 8 and 9, the President may apply with respect to  
12 any foreign person (including a foreign government) iden-  
13 tified in a report transmitted under section 3, and shall  
14 apply with respect to any foreign person (including a for-  
15 eign government) identified in more than one report trans-  
16 mitted under section 3, any or all of the following meas-  
17 ures:

18 (1) RESEARCH AND DEVELOPMENT.—Denial of  
19 participation in existing and new cooperative re-  
20 search and development programs and projects  
21 under section 27 of the Arms Export Control Act  
22 (22 U.S.C. 2767) or sections 2350a, 2358, or a  
23 memorandum of understanding under 2531 of title  
24 10, United States Code.

1           (2) CONTROL OF UNITED STATES DEFENSE  
2 FIRMS.—Prohibition of ownership and control of any  
3 business organization required to be registered with  
4 the United States Government as a manufacturer or  
5 exporter of defense articles or defense services under  
6 section 38(b)(1) of the Arms Export Control Act (22  
7 U.S.C. 2778(b)(1)).

8           (3) SECURITY ASSISTANCE.—Prohibition on  
9 participation in any foreign military sales under  
10 chapter 2 of the Arms Export Control Act (22  
11 U.S.C. 2761 et seq.) or any design and construction  
12 sales under chapter 2A of such Act (22 U.S.C.  
13 2769).

14          (4) MUNITIONS LIST APPROVALS.—Prohibition  
15 on licenses and other forms of approval under sec-  
16 tion 38 of the Arms Export Control Act (22 U.S.C.  
17 2778) for the export of any item on the United  
18 States Munitions List as in effect on August 8,  
19 1995.

20          (5) DUAL USE APPROVALS.—Prohibition on li-  
21 censes and other forms of approval for dual use  
22 goods or technology, the export of which is con-  
23 trolled under the Export Administration Act of 1979  
24 (as continued in effect under the International

1       Emergency Economic Powers Act) or the Export  
2       Administration Regulations.

3       (b) APPLICATION OF ADDITIONAL MEASURES.—Sub-  
4       ject to sections 8 and 9, and notwithstanding any other  
5       provision of law, the President may, with respect to any  
6       foreign person (including a foreign government) identified  
7       in a report transmitted under section 3, and shall, with  
8       respect to any foreign person (including a foreign govern-  
9       ment) identified in more than one report transmitted  
10      under section 3—

11           (1) suspend the use of any license exemption  
12           and expedited license procedure established in the  
13           International Traffic in Arms Regulations or other  
14           provisions of law for the export or temporary import  
15           of defense articles and defense services;

16           (2) require the execution of a non-transfer and  
17           end use certificate for the export of any defense arti-  
18           cles and defense services; and

19           (3) require, as a condition of issuance of any li-  
20           cense for the export of defense articles and defense  
21           services, United States access to and verification of  
22           the items after the export of the items or alternative  
23           measures to ensure compliance with restrictions on  
24           the transfer of the items to third-parties.



1 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-  
2 plied pursuant to subsection (a) or (b) shall be effective  
3 with respect to a foreign person (including a foreign gov-  
4 ernment) no later than—

5 (1) 30 days after the report identifying the for-  
6 eign person is transmitted, if the report is trans-  
7 mitted on or before the date required by section  
8 3(b); or

9 (2) on the date that the report identifying the  
10 foreign person is transmitted, if the report is trans-  
11 mitted more than 30 days after the date required by  
12 section 3(b).

13 (d) DURATION OF MEASURES.—Measures applied  
14 pursuant to subsection (a) shall be for a period of 2 years  
15 or longer, as the President determines appropriate. Meas-  
16 ures applied pursuant to subsection (b) shall be, at a min-  
17 imum, consistent with the duration of the license and the  
18 normal requirements for record keeping established in the  
19 International Traffic in Arms Regulations or longer, as  
20 the President determines appropriate.

21 (e) PUBLICATION IN FEDERAL REGISTER.—The ap-  
22 plication of measures to a foreign person pursuant to sub-  
23 section (a) or (b) shall be announced by notice published  
24 in the Federal Register, except if the President determines

1 that doing so would be inconsistent with the protection  
2 of classified information.

3 **SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE**  
4 **NOT APPLIED.**

5 (a) REQUIREMENT TO NOTIFY CONGRESS.—If the  
6 President does not exercise the authority of subsection (a)  
7 or (b) of section 7 to apply any or all of the discretionary  
8 measures described in such subsection with respect to a  
9 foreign person identified in a report transmitted under  
10 section 3, the President shall so notify the appropriate  
11 congressional committees not later than the effective date  
12 under section 7(c) for measures with respect to that per-  
13 son.

14 (b) WRITTEN JUSTIFICATION.—Any notification  
15 transmitted by the President under subsection (a) shall  
16 include a written justification describing in detail the facts  
17 and circumstances relating specifically to the foreign per-  
18 son identified in a report transmitted under section 3 that  
19 support the President’s decision not to exercise the au-  
20 thority of subsection (a) or (b) of section 7 with respect  
21 to that person.

22 (c) FORM.—If the President considers it appropriate,  
23 the notification of the President under subsection (a), and  
24 the written justification under subsection (b), or appro-  
25 priate parts thereof, may be transmitted in classified form.

1 **SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS**  
2 **FROM MANDATORY MEASURES.**

3 (a) WAIVER.—Any mandatory measure described in  
4 section 7 shall not apply with respect to a foreign person  
5 if the President transmits to the appropriate congressional  
6 committees a report that contains a determination of the  
7 President that—

8 (1) on the basis of information provided by that  
9 person or the foreign government having primary ju-  
10 risdiction over the person, the person did not, on or  
11 after January 1, 2005, knowingly export to the Peo-  
12 ple’s Republic of China the item the apparent export  
13 of which caused the person to be identified in a re-  
14 port transmitted under section 3; or

15 (2) the foreign government having primary ju-  
16 risdiction over the person has entered into a written  
17 agreement with the United States which—

18 (A) is binding under international law;

19 (B) prohibits further exports of any item  
20 described in paragraph (1), or subparagraph  
21 (A) or (B) of paragraph (2), of section 3(a) by  
22 any person subject to its jurisdiction;

23 (C) is supported by the foreign govern-  
24 ment’s adoption of policies and procedures pro-  
25 viding for credible implementation of the re-  
26 quirements in subparagraphs (A) and (B);

1 (D) does not constrain the President's au-  
2 thority to impose measures under this act in  
3 the event of a future export of concern by the  
4 same or other persons subject to the jurisdic-  
5 tion of the foreign government party to the  
6 agreement; and

7 (E) is submitted to the appropriate con-  
8 gressional committees 30 days prior to its entry  
9 into force.

10 (b) ADDITIONAL WAIVER.—Any mandatory measure  
11 described in section 7 shall not apply to a foreign person  
12 if the President determines that it is important to the  
13 counterterrorism, nonproliferation, or other national secu-  
14 rity interests of the United States and transmits to the  
15 appropriate congressional committees a report in writing  
16 that contains such determination.

17 (c) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that the President should—

19 (1) strengthen international coordination and  
20 execution of arms export policy through the develop-  
21 ment of bilateral and multilateral agreements under  
22 subsection (a)(2), particularly with member states of  
23 the North Atlantic Treaty Organization (NATO),  
24 Japan, Australia and New Zealand, and exercise the

1       waivers provided under this section in all appro-  
2       priate instances that further this objective; and

3               (2) whenever the President determines that the  
4       measures described in section 7 should be applied,  
5       that the measures be applied comprehensively with  
6       respect to the affected foreign person's affiliates and  
7       subsidiaries, wherever located, in order to deter to  
8       the fullest extent possible a recurrence or continu-  
9       ation of the export giving rise to the President's de-  
10      termination.

11      (d) FORM.—If the President considers it appropriate,  
12      the determination and report of the President under sub-  
13      section (a), or appropriate parts thereof, may be trans-  
14      mitted in classified form.

15      **SEC. 10. DEFINITIONS.**

16      In this Act:

17              (1) APPROPRIATE CONGRESSIONAL COMMIT-  
18      TEES.—The term “appropriate congressional com-  
19      mittees” means—

20              (A) the Committee on International Rela-  
21      tions and the Committee on Armed Services of  
22      the House of Representatives; and

23              (B) the Committee on Foreign Relations  
24      and the Committee on Armed Services of the  
25      Senate.

1           (2) DEFENSE ARTICLES AND DEFENSE SERV-  
2           ICES.—The term “defense articles and defense serv-  
3           ices” has the meaning given the term in section  
4           47(7) of the Arms Export Control Act (22 U.S.C.  
5           2794 note).

6           (3) DUAL USE.—The term “dual use” means,  
7           with respect to goods or technology, those goods or  
8           technology that are specifically designed or devel-  
9           oped for civil purposes but which also may be used  
10          or deployed in a military or proliferation mode. Such  
11          term does not include purely commercial items.

12          (4) EXPORT.—The term “export” has the  
13          meaning given that term in section 120.17 of the  
14          International Traffic in Arms Regulations, and in-  
15          cludes re-exports, transfers, and retransfers by any  
16          means.

17          (5) EXPORT ADMINISTRATION REGULATIONS.—  
18          The term “Export Administration Regulations”  
19          means those regulations contained in sections 730  
20          through 774 of title 15, Code of Federal Regulations  
21          (or successor regulations).

22          (6) FOREIGN GOVERNMENT.—The term “for-  
23          eign government” has the meaning given the term in  
24          section 38(g)(9)(B) of the Arms Export Control Act  
25          (22 U.S.C. 2778(g)(9)(B)).

1           (7) FOREIGN PERSON.—The term “foreign per-  
2       son” has the meaning given the term in section  
3       38(g)(9)(C) of the Arms Export Control Act (22  
4       U.S.C. 2778(g)(9)(C)).

5           (8) GOOD.—The term “good” has the meaning  
6       given the term in section 16(3) of the Export Ad-  
7       ministration Act of 1979 (50 U.S.C. App. 2415(3)).

8           (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
9       TIONS.—The term “International Traffic in Arms  
10      Regulations” means those regulations contained in  
11      sections 120 through 130 of title 22, Code of Fed-  
12      eral Regulations (or successor regulations).

13          (10) ITEM.—The term “item” means any good  
14      or technology, defense article or defense service sub-  
15      ject to the export jurisdiction of the United States  
16      under law or regulation.

17          (11) LICENSE.—The term “license” means an  
18      official written document of the United States Gov-  
19      ernment issued pursuant to the Export Administra-  
20      tion Regulations or the International Traffic in  
21      Arms Regulations, as the case may be, authorizing  
22      a specific export.

23          (12) OTHER FORMS OF APPROVAL.—The term  
24      “other forms of approval” includes any authoriza-

1       tion, rule or exemption contained in any statute or  
2       regulation that permits an export without a license.

3           (13) OWNERSHIP OR CONTROL.—The term  
4       “ownership or control” has the meaning given the  
5       term in section 122.2(c) of the International Traffic  
6       in Arms Regulations.

7           (14) PERSON.—The term “person” has the  
8       meaning given the term in section 38(g)(9)(E) of  
9       the Arms Export Control Act (22 U.S.C.  
10      2778(g)(9)(E)).

11          (15) TECHNOLOGY.—The term “technology”  
12      has the meaning given the term in section 16(4) of  
13      the Export Administration Act of 1979 (50 U.S.C.  
14      App. 2415(4)).

15          (16) UNITED STATES MUNITIONS LIST.—The  
16      term “United States Munitions List” means the list  
17      referred to in section 38(a)(1) of the Arms Export  
18      Control Act (22 U.S.C. 2778(a)(1)).





Union Calendar No. 102

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3100**

[Report No. 109-165]

**A BILL**

To authorize measures to deter arms transfers by foreign countries to the People's Republic of China.

JULY 12, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed